

Attorney Docket No. P113-US

REMARKS

Claims 1-126 are pending. Claims 127-133 are new claims.

During the telephone conversation between the undersigned Gregory R. Muir and the Examiner on March 1, 2005, a provisional election was made with traverse to prosecute the invention of Group IIA (including claims 1-22 and 63-74). This election is confirmed hereby by the undersigned.

Paragraph [0040] is amended to clarify the virtual line connecting the posts of the micromirror connects the centers of the posts as clearly illustrated in the originally filed figure 5b. No new matter is added.

In the Office Action, claims 7-21 and 67-72 were rejected under 35 U.S.C. 112 2nd paragraph. The indefiniteness thereof has been removed by the amendments to these claims, as well to their respective base claims 1 and 63.

With respect to the Examiner's rejection of the independent claims 1 and 63 under 35 U.S.C. 102 (a) over Yamazaki (US pat. 6,781,742), it is respectfully submit that none of claims 1 and 63 as amended is disclosed or suggested by Yamazaki.

Claim 1 now expressly recites, among others features, that the mirror plate is attached to a hinge that is supported by one of the plurality of posts on the substrate; wherein the mirror plate and hinge are separated by a gap in a direction perpendicular to the mirror plate when the mirror plate is parallel to the substrate. This feature is nowhere disclosed or suggested by Yamazaki. Instead, Yamazaki describes, for example in FIG. 20A (prior art), that the hinge (905) is in the same plane of the mirror plate (904). Because Yamazaki fails in disclosing all features of claim 1, claim 1, as well as claims 2 to 22 that are dependent from claim 1 is patentable over Yamazaki. Reconsideration and withdrawal of the rejection are respectfully requested.

As for independent claim 63, claim 63 now expressly recites, among other features, that the substrate is in a rectangular shape, wherein each side of the mirror plate is at an angle of from 5° to 25° degrees to the two predominant sides of the rectangular substrate, which is the subject matter of the originally filed claim 65. Claim 65 is accordingly canceled. It is respectfully submitted that this feature is nowhere disclosed or suggested by Yamazaki.

In the Office Action (section 4), the Examiner rejected claim 65 under an Official Notice taken of a fact that "... the shape of the substrate depends on $m \times n$ micromirror arrays. If m and n are different for a specific application, such rectangular shape would be obvious. In addition, the angle of each of thousand of micromirrors relative to the edges of the substrate relative to the edges of the substrate would be irrelevant to the micromirror device functionality, as long as all the micromirrors are angled in

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the same direction. " It is respectfully submitted by the undersigned that the above Official Notice was taken in error for at least the following reasons.

First, the undersigned can not find any disclosures in the relevant art showing the dependencies of the shape of the substrate on mxn micromirror arrays. Even forced into such position that such dependency exists, the feature that each side of the mirror plate is at an angle of from 5° to 25° degrees to the two predominant sides of the rectangular substrate (as recited by the amended claim 63) is still absent.

With respect to the Examiner's statement that " ... *the angle of each of thousand of micromirrors relative to the edges of the substrate relative to the edges of the substrate would be irrelevant to the micromirror device functionality, as long as all the micromirrors are angled in the same direction.* ", it is respectfully submitted that such statement was made in error, because the way the mirror plates are arranged on the substrate is one of the features of claim 63, the advantageous and benefits of which are described in the specification of the instant application. Reconsideration and withdrawal of the rejection are respectfully requested.

New claims 127-133 are presented herein. Claim 127 is in independent form. Claim 127 expressly recites, among other features that, the line connecting the centers of any two of the plurality of posts is not coincident with either of the two diagonals of the mirror plate. It is respectfully submitted that this feature is nowhere disclosed or suggested by Yamazaki. Specifically, the undersigned can not find any disclosures in the specification of Yamazaki on the relative positions of the posts and the diagonals of the mirror plate.

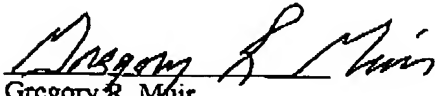
Even though the Examiner indicated in the Office Action (section 3), with reference to FIG. 20A of Yamazaki, that " ... *a line drawn between opposite sides of the posts will meet this condition* ", Yamazaki does not disclose or suggest that feature recited in claim 127 wherein the line connecting the centers of any two of the plurality of posts is not coincident with either of the two diagonals of the mirror plate. Because Yamazaki fails in disclosing or suggesting the features of claim 127, claim 127, as well as claims 128 to 133 that are dependent from claim 127, is patentable over Yamazaki. Favorable consideration is respectfully requested.

It is believed that this application is in condition for allowance. Favorable consideration and prompt allowance are respectfully requested. In the event any fees are required in connection with this paper, please charge our Deposit Account No. 501516.

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Respectfully submitted,

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